

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2005-121-T - ORDER NO. 2005-506

SEPTEMBER 27, 2005

|                                                 |   |                  |
|-------------------------------------------------|---|------------------|
| IN RE: Application of Ben Avery d/b/a Avery Bus | ) | ORDER DISMISSING |
| Lines, Post Office Box 761, McCormick,          | ) | APPLICATION AND  |
| South Carolina 29835 (District 3) for a Class   | ) | RESCINDING       |
| C Charter Bus Certificate.                      | ) | AUTHORITY        |

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of the Office of Regulatory Staff (ORS) to dismiss the Application of Ben Avery d/b/a Avery Bus Lines (Avery Bus Lines or the Applicant) and to rescind the Applicant's authority as the result of the failure of the Applicant to comply with certain rules of this Commission relative to the instant docket.

A review of the docket file reveals that Avery Bus Lines was granted authority to operate as a motor carrier in South Carolina under a Class C Charter Bus Certificate (Certificate) by Order No. 2005-235, dated May 9, 2005. In Order No. 2005-235, the Commission directed the Applicant to file with the Commission and the ORS proof of appropriate insurance and an acceptable safety rating within sixty (60) days of the date of the Order, or within such additional time as may be authorized by the Commission. Further, Order No. 2005-235 instructed the Applicant that failure to either comply with the requirements of filing with the Commission and ORS proof of appropriate insurance and an acceptable safety rating within sixty (60) days of the date of the Order or to request and obtain from the Commission additional time to comply with the stated requirements, would result in the Applicant's authorization being revoked.

By letter filed August 19, 2005, the ORS advises the Commission that Avery Bus Lines has failed to comply with the rules and regulations of the Commission within the sixty (60) days timeframe set forth in Order No. 2005-235. According to the ORS, the Applicant has neither filed the appropriate documentation nor requested an extension of time; therefore, the ORS requests the Application of Avery Bus Lines be dismissed.

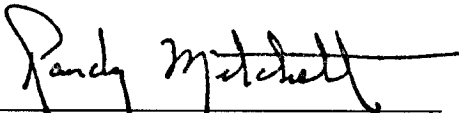
The Applicant's compliance with such filing requirements was clearly expressed as a condition precedent to receipt of the Certificate and to the performance of the motor carrier services authorized by Order No. 2005-235. After due consideration of the ORS's request, the Commission is of the opinion, and so finds, that its previous Order No. 2005-235 granting Avery Bus Lines authority to operate under a Class C Charter Bus Certificate should be rescinded and that the Application herein should be dismissed.

IT IS THEREFORE ORDERED:

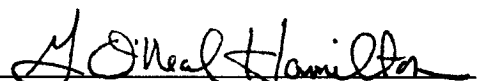
1. That Commission Order No. 2005-235, dated May 9, 2005, granting authority to Ben Avery d/b/a Avery Bus Lines to operate under a Class C Charter Bus Certificate is rescinded.
2. That the Application of Ben Avery d/b/a Avery Bus Lines for a Class C Charter Bus Certificate is dismissed.

3. That this Order shall remain in full force and effect until further Order of this Commission.

BY ORDER OF THE COMMISSON:

  
\_\_\_\_\_  
Randy Mitchell, Chairman

ATTEST:

  
\_\_\_\_\_  
G. O'Neal Hamilton, Vice Chairman

(SEAL)